



# Memorandum

**TO:** City Council

**FROM:** Mayor Ron Gonzales

**SUBJECT:** Report of Independent Investigator  
On Converged Network RFP Process

**DATE:** January 10, 2005

Approved

Date

1/10/05

## RECOMMENDATION:

Accept the report and recommendations of the Independent Investigator as outlined below regarding the RFP process for the converged data network and telephony system for the new city hall.

## BACKGROUND:

The investigator's report was delivered to councilmembers this morning. Mike Moyer, the lead investigator who prepared the report, will present findings and recommendations at tomorrow's Council meeting, and he will be able to respond to the specific questions of councilmembers. I believe that we can complete our discussion of this matter tomorrow. If Council feels that additional time is necessary, however, we could continue the discussion to our next meeting on January 25.

The City Council and the Administration have already conducted extensive investigations, audits, and corrective actions to address the disappointing problems associated with the acquisition of the converged network for the new City Hall and to prevent such problems in the future. In combination with these measures, I believe the thorough report of the investigator will allow us to close this chapter and move forward with the assurance that our purchasing systems will be managed with a high level of integrity that our residents expect.

### *Specific recommendations*

The investigator's recommendations are consistent with the actions the Council and the Administration have already taken. I concur with the specific additional steps outlined in the report and make the following clarifications and augmentations in bold type below.

1. File a complaint with the San Jose Elections Commission against Jon Walton alleging a violation of the Revolving Door Ordinance.
  - **I recommend that we direct the City Attorney to prepare and return to City Council the complaint for our consideration.**
2. Direct the City Attorney to determine whether the activities of Jon Walton and Craig Holt described in the investigator's report affect the further involvement of Unisys in the converged network RFP process.
3. Corrective actions as appropriate relative to current employees for any substantiated violation of City policy or procedure.
  - **Direct City Manager and City Attorney to review the report for any necessary actions.**
4. Council expectations for the City Manager and City Attorney regarding the level of disclosure and background of issues coming to the Council.
  - **Continue to include this as a factor we consider in our appointees' regular performance reviews, and add to our formal rating sheets.**
5. Evaluation of the performance of staff as it relates to the management and oversight of the converged network project.
  - **This Council has and will continue to make this a priority in evaluations as it relates to the converged network, other technology procurement processes, and management oversight in general.**
6. Evaluation and development of a process to ensure that when standardization occurs there is appropriate follow up and formal agreement with the original equipment manufacturers to ensure protection of the City and the integrity of the procurement process.
  - **The City Manager and City Attorney have already implemented several process improvements in this area. Direct the City Manager and City Attorney to incorporate this recommendation.**